

REMARKS

Applicants respectfully submit that all the claims presently on file are in condition for allowance, which action is earnestly solicited.

THE SPECIFICATION

Applicants have amended the Cross-Reference to Related Application to include information that was not available at the time of filing the present patent application.

THE CLAIMS

Claims 1 - 20, were rejected under 35 U.S.C. 102(a) as being anticipated by DiAngelo et al. (hereinafter "DiAngelo"). Applicants respectfully submit that DiAngelo does not disclose all the elements and limitations of claims 1 - 20. Consequently, claims 1 - 20 are not anticipated under 35 U.S.C. 102, and the allowance of these claims and the claims dependent thereon are earnestly solicited. In support of this position, Applicants submit the following arguments:

A. Legal Standard for Lack of Novelty (Anticipation)

The standard for lack of novelty, that is, for "anticipation," is one of strict identity. To anticipate a claim for a patent, a **single prior source must contain** all its essential elements, and the burden of proving such anticipation is on the party making such assertion of anticipation. Anticipation cannot be shown by combining more than one reference to show the elements of the claimed invention. The amount of newness and usefulness need only be minuscule to avoid a finding of lack of novelty.

The following are two court opinions in support of Applicants' position of non anticipation, with emphasis added for clarity purposes:

- “Anticipation under Section 102 can be found only if a reference shows **exactly** what is claimed; where there are **differences** between the reference disclosures and the claim, a rejection must be based on obviousness under Section 103.” *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 227 USPQ 773 (Fed. Cir. 1985).
- “**Absence** from a cited reference **of any element** of a claim of a patent negates anticipation of that claim by the reference.” *Kloster Speedsteel AB v. Crucible Inc.*, 793 F.2d 1565, 230 USPQ 81 (Fed. Cir. 1986), on rehearing, 231 USPQ 160 (Fed. Cir. 1986).

B. Brief Summary of the Present Invention

B.1. Problems addressed by present invention

Prior to presenting substantive arguments in favor of the allowability of the claims on file, it might be desirable to summarize the present invention in view of the problems it addresses. One of the problems addressed by this present invention is exemplified as follows: While the conventional e-shopping service enables the shopper to search for multiple items in a single search, it does not provide the shopper with the ability to purchase all the items in the shopping cart. Instead, the e-shopping service merely provides a list of links to the vendors' sites so that the shopper could link to these sites and complete the purchases, one vendor at a time.

Furthermore, while the foregoing e-shopping model could provide a combined search result and an incentive for purchasing items from multiple vendors, this purpose is practically defeated because the foregoing e-shopping model does not facilitate the shopping experience. After comparison shopping, the user must still visit each of the vendors' sites separately in order to consummate the purchases from the combined result.

Accordingly, the foregoing e-shopping model, which is representative of current e-shopping services, does not adequately address the shoppers' need for an intuitive interface with the vendors' sites to complete numerous purchases from heterogeneous vendors. In particular, shoppers are not afforded the ability to search for an item from the general population of web-based vendors. Moreover, shoppers are not provided with a true "shopping cart" that permits both a price comparison of a set of heterogeneous items and the ability to purchase those items directly from the vendors. Furthermore, the scope of heterogeneous items that may be searched is limited and does not adequately address the diverse goods and/or services that shopper may wish to purchase in a single shopping excursion.

Existing solutions to the foregoing problem propose opening up multiple instances of a browser and establish connections between the client and multiple web sites. The information "collected" in each session could then be "cut and pasted" together in a wallet and presented to the shopper for the purchasing decision. Such an approach is quite impractical because of the significant amount of processing resources that would be consumed by the opening up and maintaining of multiple browser instances.

The present application specifically addresses the DiAngelo patent, as follows: "While U.S. Pat. No. 6,101,482 to DiAngelo et al., *supra*, has successfully addressed this concern, **there is currently no adequate mechanism that transforms existing shopping web sites into active shopping agents, that allow shoppers to perform research about products and prices and that provide an automated buying process for all the selected items within a virtual shopping cart.** The need for such an adaptive mechanism and corresponding process has heretofore remained unsatisfied." Emphasis added.

B.2. Present Invention

In summary, the present invention allows the shoppers to, not only compare the price of heterogeneous items, but also to purchase these items directly without having the user visit each of the merchants' web sites individually.

When used by current comparison shopping web-sites, the system of **the present invention transforms those sites into active shopping agent sites**. Shoppers will be able to use these shopping agent sites to perform research about products and prices. In addition, **the method of the invention will provide an automated buying process for all selected items within a single virtual shopping cart**. A shopping agent web site using the system of the invention would **become a shopping portal site**, satisfying all the shopping needs of the users.

C. DiAngelo et al. Patent

It is an object of DiAngelo to enable a Web browser to browse a Web "virtual" store and to choose an item **for subsequent purchase even after the particular transaction session is no longer active**. DiAngelo enables a user to suspend a purchasing decision until information from **a plurality of independent "sessions" has been compiled, processed and/or updated or enhanced**. This mechanism enables the user to "comparison" shop across unaffiliated Web sites before making a decision about which products to buy.

DiAngelo provides a method of purchasing products and services on-line using a client connectable to a plurality of servers via a computer network. **The method begins by initiating "FROM THE CLIENT" two or more independent transaction sessions**, each of the independent transaction sessions established as a connection between the client and one of the plurality of servers is active. During each

independent transaction session, transaction information is collected at the client to facilitate a purchase of products and services after the connection between the client and the server is closed and the transaction session is completed. According to DiAngelo, the transaction information is maintained persistent across multiple independent transaction sessions. At a given time, for example, after all Web sites have been visited and the information gathered, the transaction information (as originally collected and/or as filtered, updated or enhanced) is then used to effect a purchase of given products and services. In particular, an actual purchase preferably is effected by re-establishing a connection between the client and a given one of the plurality of servers. The purchase transaction is then completed from the given server.

D. Independent Claims 1, 9, 11, 18, 27, 34, and 41 in Light of DiAngelo

Applicants will now present arguments in support of the allowance of independent claims 1, 9, 11, 18, 27, 34, and 41, and the claims dependent thereon, over DiAngelo. Claim 1, as a representative claim, recites the following elements that are not described in DiAngelo:

“1. A system for **automating** an electronic-commerce **transaction** using a virtual shopping cart **initiated at a host site**, comprising:
a merchant schema database that contains information about **schemas** used by a plurality of heterogeneous merchants' sites;
a shopping cart manager that creates the virtual shopping cart **based on a user's search query**, and that monitors the content of the virtual shopping cart;
and
a comparison shopping engine that **automatically** collects and manages information from the plurality of heterogeneous merchants' sites, across multiple independent **transaction sessions initiated by the host site, based on the user's search query**, and that returns a corresponding **comparative search result, without requiring the user to leave the host site to visit the plurality of heterogeneous merchants' sites.** (Emphasis added).

Applicants present the following arguments, specifically in response to the office action, with respect to the representative claim 1.

OUTLINE OF ARGUMENTS

<u>INSTANT CLAIM 1</u>	<u>OFFICE ACTION RE: DIANGELO ET AL.</u>	<u>APPLICANTS' ARGUMENT</u>
1. A system for <u>automating</u> an electronic-commerce <u>transaction</u> using a virtual shopping cart <u>initiated at a host site</u> , comprising:	Regarding claim 1, DiAngelo et al. disclose a system for automating an electronic-commerce transaction using a virtual shopping cart initiated at a host site (fig. 1), comprising:	(1) <u>Automation</u> implies non-interference from the shopper. (2) <u>Transaction</u> is distinguishable over transaction sessions. (3) <u>Initiation of the virtual shopping cart at the host site</u> is distinguishable over initiation at the client's machine.
a merchant schema database that contains information about <u>schemas</u> used by a plurality of heterogeneous merchants' sites;	a merchant schema database (fig. 3, transaction repository) that contains information about schemas used by a plurality of heterogeneous merchants sites;	(4) The merchant schema database enables the system to provide the <u>comparative search result to the shopper</u> . Refer to argument (9) below.
a shopping cart manager that creates the virtual shopping cart <u>based on a user's search query</u> , and that monitors the content of the virtual shopping cart; and	a shopping cart manager (56, col. 6, lines 5-9) that creates the virtual shopping cart based on a user's search query, and that monitors the content of the virtual shopping cart;	(5) It should be noted that <u>a single query</u> is required, and multiple query re-entries are not necessary. Refer also to argument (7) below.

<p>a comparison shopping engine that <u>automatically</u> collects and manages information from the plurality of heterogeneous merchants' sites, across multiple independent <u>transaction sessions initiated by the host site, based on the user's search query,</u></p>	<p>and a comparison shopping engine (58, col. 6, lines 1 3-44) that collects and manages information across multiple independent transaction sessions from the plurality of heterogeneous merchants' sites, based on the user's search query, and that returns a corresponding comparative search result, <u>without requiring the user to leave the host site to visit the plurality of heterogeneous merchants sites.</u> Note that the invention of DiAngelo et al. is intended for use in a server/client environment on the World Wide Web, and thus applicability to a plurality of users is inherent in the disclosure. (Emphasis added).</p>	<p>(6) The transaction sessions are <u>initiated by the host site and not on the user's computer.</u> (7) The transaction sessions are based on the user's single search query, eliminating unnecessary reentry of the multiple queries. (8) The <u>automaticity</u> of the collection of the information from the plurality of merchants' sites is tied to the automaticity of the electronic-commerce transaction. Refer to argument (1) above. (8) The <u>merchant schema database</u> renders it possible for the comparative search result to be presented to the shopper in a coherent fashion. (9) <u>It is a very important feature of the present invention to provide the shopper with a single shopping site that acts as a "shopping agent" for the shopper.</u> This features is made possible by providing the shopper with the necessary service to keep him/her connected to the same site, while conducting his/her shopping from the various heterogeneous sites.</p>
<p>and that returns a corresponding <u>comparative search result, without requiring the user to leave the host site to visit the plurality of heterogeneous merchants' sites.</u></p>		

D. 1. First Distinguishable Element (Arguments 1, 2, and 3)

The present claim 1 includes the feature of effecting an automatic transaction, continuously, without interference from the shopper. In other terms, the shopper does not terminate the transaction sessions to enable him/her to execute a purchase order.

Compared to the present invention, and as presented earlier, DiAngelo teaches that after all the Web sites have been visited and the information gathered, the transaction sessions are terminated (i.e., no longer active), the information is then used to effect a purchase of given products and services.

It should also be clear that while “electronic-commerce transaction” refers to a business transaction that is conducted online using the Internet or another communications network, between the shopper and selected merchants, transaction sessions are initiated by the host site (as opposed to the client's computer) and represent sessions between the host site and the various merchants.

On the other hand, one embodiment of DiAngelo makes it clear that the transaction sessions are initiated by the client, as presented earlier :“The method begins by initiating from the client two or more independent transaction sessions”.

D. 2. Second Distinguishable Element (Argument 4)

The office action refers to the transaction repository of Fig. 3 in DiAngelo to show that the system includes a merchant schema database. Applicants respectfully clarify that the transaction repository of DiAngelo is part of a plug-in that is, in turn, part of the client machine. Refer to column 5, lines 15 - 17. As such, it is not clear how could the merchant schema database of DiAngelo enable the system to provide the comparative

search result to the shopper, automatically, without having the shopper leave the host site.

D. 3. Third Distinguishable Element (Argument 5)

Applicants respectfully submit that the elements of claim 1 need to be read and explained together, as a whole, functionally and structurally, to provide a single coherent system.

Applicants note the present system requires only **a single query that is propagated to the various merchants' sites**, and thus multiple query re-entries are not necessary. As explained earlier, one embodiment of DiAngelo requires the user to terminate the various sessions and then to revisit the various sites to execute the shopping transaction.

D. 4. Fourth Distinguishable Element (Arguments 6, 7, 8)

As emphasized earlier, the transaction sessions of the present system are **initiated by the host site and not on the user's computer**, as described in one embodiment of DiAngelo.

The transaction sessions are based on the user's single search query, eliminating unnecessary reentry of the multiple queries. The **automaticity** of the collection of the information from the plurality of merchants' sites is tied to the automaticity of the electronic-commerce transaction.

D.5. Fifth Distinguishable Element (Arguments 8, 9)

The **merchant schema database** renders it possible for the comparative search result to be presented to the shopper in a coherent fashion. The shopper is no longer

obligated to open several instances of the browser to manually retrieve the collected information, and then cut and paste this information into a coherent comparative list. This task is now automatically implemented by the present system, using the various schemas of the heterogeneous merchants' sites.

Yet another very important feature of the present invention to provide the shopper with a single shopping site that acts as a "shopping agent" for the shopper. This features is made possible by providing the shopper with the necessary service to keep him/her connected to the same site, while conducting his/her shopping from the various heterogeneous sites.

The present system, as a whole, offers numerous advantages among which are the following few exemplary advantages:

- From the client's perspective, the client is assured confidentiality and security of the user's profile.
- The client now deals with a single agent whom the shopper deems to be a trustworthy agent, as opposed to dealing with numerous agents with whom the shopper might not be familiar, and to whom the shopper provides at the very least, his/her credit card information, address, name, and other proprietary and confidential information.
- From the host site's perspective, now acting as the shopper's agent, the service provided to the shopper is quite lucrative, because it generates sales from numerous merchants, whence the importance of keeping the shopper connected to a single host site.

To conclude, independent claims 1, 9, 11, 18, 27, 34, and 41 are allowable for not being anticipated by DiAngelo, and thus the claims dependent thereon are also allowable, and such allowance is respectfully requested.

E. N w Claims

Applicants submits that the **new claims 21 - 46 are allowable and do not require a new search to be conducted by the Examiner**, as they contain elements that are generally similar to those of claims 1 - 20.

CONCLUSION

All the claims presently on file in the present application are in condition for immediate allowance, and such action is respectfully requested. If it is felt for any reason that direct communication would serve to advance prosecution of this case to finality, the Examiner is invited to call the undersigned at the below-listed telephone number.

Respectfully submitted,



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Samuel A. Kassatly Law Office
6819 Trinidad Drive
San Jose, CA 95120
Tel: (408) 323-5111
Fax: (408) 323-5112

Samuel A. Kassatly
Attorney for Applicants
Reg. No. 32,247
Tel. (408) 323-5111